IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1749 of 2007

DATE OF ORDER: 30.3.2007

Hashmat

...Petitioner(s)

Versus

Mohammad and Another

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Shailendra Sharma, Advocate.

M.M. AGGARWAL,J

This is petition against judgment dated 5.10.2006 passed by District Judge, Sangrur whereby an appeal filed by the plaintiff, now petitioner against order dated 25.4.2006 passed by Additional Civil Judge (Sr.Divn.), Malerkotla dismissing his application U/o 39 Rule 1 & 2 CPC was dismissed.

It comes out that the plaintiff, now petitioner had filed a suit for declaration challenging sale deed executed by defendant No.1 in favour of defendant No.2. In the alternative, suit was for recovery and it was further for permanent injunction for restraining defendant No.1 further to alienate the property. With the suit, an application U/o 39 Rule 1 & 2 CPC was filed, which was dismissed by the trial Court and on appeal having been filed, the same was dismissed by the District Judge.

There are concurrent orders of two courts below. I do not find any good ground to interfere. The alienation, if any, made during the pendency of the suit shall even be hit by lis pendente.

Dismissed.

March 30, 2007 (M.M. AGGARWAL)

manoj JUDGE